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ABSTRACT

A background and framework are established for use in assessing effects of possible proposals for consolidating the Vocational Education Act (VEA) with other federal programs assisting elementary and secondary education. The paper is organized into three sections. The first describes factors that have led to the current interest in consolidation including inconsistency among federal programs, inadequate coordination in delivery of federally assisted services, and federal intervention into local educational decision-making and operations. In the second section key provisions of the VEA are compared with provisions in other federal educational programs, namely the Rehabilitation Act of 1973, Elementary and Secondary Education Act (ESEA) Title I, Education for All Handicapped Children Act, and ESEA Title VII. Six categories of provisions are considered: procedures for allocation of federal funds, assignment of responsibilities for program administration, target group, services provided with federal funds, services provided with state and local funds, and safeguards ensuring compliance with program requirements and nondiscrimination standards. The third section discusses possible approaches to consolidating the VEA with other elementary and secondary programs and proposes six objectives for designing specific proposals for program change. Discussion is organized on the basis of the program components considered in section 2. (YLB)

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ALTERNATIVES TO THE CURRENT FEDERAL ROLE IN VOCATIONAL EDUCATION: INCLUSION OF VOCATIONAL EDUCATION PROGRAMS IN A CONSOLIDATED EDUCATIONAL GRANTS PROGRAM

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ALTERNATIVES TO THE CURRENT FEDERAL ROLE IN VOCATIONAL EDUCATION: INCLUSION OF VOCATIONAL EDUCATION PROGRAMS IN A CONSOLIDATED EDUCATIONAL GRANTS PROGRAM

As the date for reauthorization of the Vocational Education Act (VEA) approaches, increasing attention is being given to its possible inclusion in a consolidated educational grants program.[1/] Not surprisingly, the suggestion that the VEA be consolidated with other federal programs having very different purposes and mechanisms has provoked considerable dissent among some educators and vocational training specialists. This paper neither endorses nor opposes any specific legislative proposal. Its purpose is to establish a background and framework for use in assessing the effects of possible proposals for consolidation.

The paper is organized in three sections. The first section describes the factors that have led to the current interest in consolidating the VEA with other federal programs assisting elementary and secondary education. The second section compares several of the major provisions of the VEA with comparable provisions in the other large federal programs providing services at the elementary and secondary level. The third section of the paper discusses possible approaches to the consolidation of the VEA with other elementary and secondary programs and sets out a series of objectives for use in the design of specific proposals for program change.

1/ The VEA was last reauthorized in 1976, as Title I of P.L. 94-482. The current law is scheduled to expire on September 30, 1982.

The federal statute that is the focus of this discussion is the VEA and, in particular, that portion of the VEA that provides services at the high school level. Because of its relevance to the overall mission of vocational education and because of its similarities to other educational programs, the Rehabilitation Act of 1973 (P.L. 93-112) is also discussed in this paper. In addressing the other federal assistance programs for elementary and secondary education, the three programs serving students with special educational needs are considered in particular detail; these programs are as follows:

- Title I of the Elementary and Secondary Education Act (ESEA) serving educationally deprived children in school attendance areas with high concentrations of children from low-income families (most recently reauthorized in the Education Amendments of 1978, P.L. 95-561);
- The Education for All Handicapped Children Act (authorized in 1975, P.L. 94-142); and
- ESEA Title VII providing bilingual education services to children with limited proficiency in English (most recently reauthorized in the Education Amendments of 1978, P.L. 95-561).

For each of these five programs, exclusive attention in this paper will be given to the basic grant components providing financial aid to either state agencies or local school systems.

Factors That Have Prompted the Current Interest in Consolidating the VEA with Other Federal Education Programs

In recent months a number of proposals have been discussed that would combine current assistance programs in such areas as health services, housing, and elementary and secondary education into consolidated block grant programs. The arguments that have been advanced by the Reagan administration to support its own consolidation proposals have been couched primarily in terms of the need to return programmatic decisionmaking to the states and localities.[2/] In fact, however, there are several problems in the administration of the categorical grant programs that make the current consolidation debate very timely. These problems stem from (a) the lack of consistency in categories of requirements across federal programs, (b) the impediments to local coordination among federal programs serving similar purposes and students, and (c) the perceptions of unwarranted federal intrusiveness in state and local educational decision-making. Each of these problems is discussed below.

Problems of Inconsistency Among Federal Programs

Inconsistency among federal requirements is a problem that is felt primarily at local levels of program administration.[3/] By and

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2/ The April 29, 1981, fact sheet on educational consolidation issued by the U.S. Department of Education stated: "For the first time [under this proposal], states and localities would be allowed to use federal funds in the way they believe will best meet the educational needs of their children." VEA was not included in the Reagan proposal for elementary and secondary grants consolidation.

3/ In this paper, local administration will be discussed primarily in terms of the operations of individual school systems. Many vocational education projects are, however, (footnote continued)

large, program administrators at the federal level are not touched by inconsistencies among programs because they generally participate in the administration of only a single program. Similarly, in most states, administrative duties associated with the federal programs are dispersed across categorical program areas, permitting most state administrators to be specialized in their own particular program assignment. It is therefore mainly at the local level that program inconsistencies are fully apparent, even though they may actually be rooted in varying state and federal requirements.

Problems of inconsistency can be seen in a number of federal vocational education requirements. For example, the planning process, which has become a major focus of the VEA as a result of changes made in the 1976 Education Amendments, resembles the planning process required by other elementary and secondary programs, such as ESEA Title I and P.L. 94-142, but differs from those requirements in significant ways. All three programs require planning at both state and local levels in order to improve program management and to tailor educational services to the needs of participating students. The federal mechanisms to be used to achieve those objectives are, however, quite different among the programs. ESEA Title I, for example, requires that plans submitted by state educational agencies focus on the procedures to be used at the state level to monitor local compliance

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(footnote continued) administered by intermediate or regional educational agencies or consortia serving two or more local school systems. For our purposes, vocational education projects administered by intermediate agencies will be considered to be the equivalent of projects administered by individual systems, unless noted otherwise.

with Title I requirements. P.L. 94-142 requires that its state plans set out, as their major feature, detailed descriptions of the policies to be used to implement provisions of the federal law. By contrast, the VEA state plan focuses on the state's assessment needs for specific job skills and the design of local vocational programs to meet those needs. Despite the common goal of improvements in educational services and program management, the different approaches taken in the state planning requirements of these three federal programs constitute one of the factors that discourages any coordinated planning efforts across the federal categorical program areas.

Planning is not the only area in which inconsistencies can be seen across federal programs. Similar types of differences exist in other major provisions in the VEA, ESEA Titles I and VII, P.L. 94-142, and the Rehabilitation Act; these provisions include requirements pertaining to (a) the specification of students (or persons) to receive special targeted aid, (b) guarantees that federal funds do not replace state and local aid, (c) the establishment and function of advisory councils, as well as other areas.[4/]

The result of these procedural differences among the federal categorical programs is to specialize and, in effect, segregate the administration of each program. Because each program has its own requirements, very few of which call for any coordination with other federal programs, each tends to operate within its own bureaucracy

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4/ The differences and similarities of these and other federal requirements are discussed more fully in the second section of this paper.

characteristics of effective services, student needs, and the like. The parochialism engendered by these circumstances creates administrative inefficiencies at all levels (as seen, for example, in differing standards for the maintenance of local fiscal effort). Even more important, it tends to detract from a more comprehensive view of the needs of individual students.

Problems of Inadequate Coordination in the Delivery of Federally-Assisted Services

Several recent studies have explored problems in the coordination of educational services provided under more than one federal authority (Birman, 1979; Hill, 1979; and U.S. Comptroller General, 1980). None of these studies included a consideration of vocational education. The issues identified in these studies are, however, generally similar for all of the federal programs operated by local school systems.

According to these researchers, the use of more than one federal authority to provide aid to a single student does not always create educational problems. In too many instances, however, serious instructional deficiencies arise because of inadequate local coordination. For example, consider a hypothetical teen-aged student who wishes to participate in a vocational program but who is limited in English proficiency due to the use of a non-English language in his home. That student is likely to be placed in a vocational training program for part of his school day and then to participate in both intensive English language instruction and bilingual instruction in other subjects for the remainder of the day. The vocational program may be partially supported with VEA

funds and the bilingual and English language instruction partially supported under ESEA Title VII, with aid under Title VII possibly used to support special in-service training for bilingual education teachers. A number of programs providing services supported by the VEA and ESEA Title VII, such as in this example, are currently underway. Successful coordination often takes the form of providing information to both vocational teachers and language teachers about the student's overall instructional program. It also frequently requires special accommodations by both teachers (or sets of teachers) to the needs that have prompted the student's participation in the other program. That is, the vocational instructor is likely to be required to provide special help to the student by arranging for the translation of technical matters into the student's home language. Similarly, the language instructors may need to provide special help in the English terminology required in the area of the student's vocational training. In instances in which this coordination and accommodation exist, assistance under the two federal programs is complementary and improves the overall level of instruction provided to participating students. In other instances the lack of local coordination may result in serious educational problems for students and for educational programs. Examined from the federal level, these problems appear particularly difficult to ameliorate because of the person-to-person level of coordination that seems to be needed. And yet, to the extent that the separate federal authorities have contributed to the lack of coordination, it seems important to find ways to make changes in the rules governing the federal programs that would increase the likelihood of effective coordination across programs.

In the recent study by Beuke, Lukas, Brigham, Glick, and Breen (1980), the primary coordination problem experienced by local vocational education administrators was the lack of adequate cooperation between vocational educators and educators of handicapped students. In particular, concern was expressed regarding the lack of participation by vocational educators in development of the individualized educational plans (IEPs) required under P.L. 94-142 for each handicapped student. As a result, "the special educators and other members of a student's diagnostic and planning team were making assignments to vocational education without consulting vocational educators." This caused vocational programs to be "used as a dumping ground: assignments were being made without an assessment of student capabilities and interest in the assigned occupational area" (p. 206).

Beuke et al. attribute these difficulties to two factors. First, vocational and special educators are not familiar with the instructional priorities and issues in each other's respective fields. Vocational educators often do not understand the special problems experienced by handicapped students, and they tend to be unfamiliar with the instructional techniques that are most successful with these students. For these reasons they frequently oppose the inclusion of handicapped students in their classes. Educators specially concerned with handicapped students tend, on the other hand, to be unfamiliar with the skills and requirements of various occupations; as a result they often provide inappropriate guidance to handicapped students in the selection of their vocational programs.

Although Beuke et al. did not specify whether the educators expressing these concerns were administrators, teachers, or guidance counselors, it is clear that each has a role to play in effective coordination and that many acceptable approaches to good coordination are possible. It is also clear from this example and from the earlier example involving bilingual education that information sharing is an important aspect of coordination across programs. Though this need is relatively obvious and clear-cut when viewed from afar, it is not clear that this problem can be successfully resolved through federal directive.

The second factor accounting for poor coordination between vocational and special education is the lack of a formal procedure for the inclusion of vocational educators in the IEP process. Important decisions about vocational placement are thus often made without the participation and contributions of vocational specialists. Beuke et al. report, however, that many states have recognized this deficiency and have begun to require that vocational educators participate in the development of IEPs of those students for whom placement in a vocational training program is being considered (p. 207).

A similar lack of coordination across federal program areas was found by Nacson and Kelly (1980) in connection with services to low-achieving high school students enrolled in vocational programs (p. 52). Although special services were available to these students from several sources, the researchers found few instances of planning and developmental activities that attempted to coordinate instructional services in order to improve their effects on participating students. Moreover, when special remedial services were provided to low-achieving students

as part of the vocational program, they tended to operate independently of other remedial programs in the school system, such as ESEA Title I.

Concerns Arising from Federal Intervention into Local Educational Decision-making and Operations[5/]

Concerns over excessive federal intrusion reflect two common local complaints: that federal rules, while appropriate to the spending of federal funds, are not appropriate to the use of state and local funds; and that the federal government is necessarily too distant from the education of students to be able to direct the content of the local instructional program. The set of VEA provisions most commonly cited as reflecting excessive federal intervention are those governing the matching and use of the VEA set-asides for disadvantaged and handicapped students (Sections 110 (b)(1) and 110(a) of the act). In their discussion of state and local difficulties in using the set-aside funds, Beuke et al. report several problems that indicate state and local perceptions of excessive federal requirements attached to those funds (p. 178). For example, vocational education administrators object to the sheer amount of VEA funds that are locked into the set-aside programs; it is argued that the removal of local discretion in the use of those funds tends to impede the ability of vocational educators to exercise their best judgment in meeting local vocational education needs. In addition, vocational educators claim that the rules governing the set-aside programs are so restrictive, including those requiring the

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5/ This issue is also discussed by the author in a paper prepared for the NIE School Finance Project (1981, in draft).

mainstreaming of certain handicapped students, that the set-aside provisions defeat their purpose as incentives for increased federal spending on students who are either disadvantaged or handicapped. Third, it is argued that the use of state allocation formulas for the distribution of disadvantaged and handicapped funds severely limits the discretion that could otherwise be exercised by state vocational administrators in targeting funds to the local programs where they could be used most effectively.

This set of complaints reflects both of the general objections to excessive federal intervention that were cited above: first, that the rules governing the set-aside funds inappropriately and excessively limit local use of locally generated funds, and, second, that federal funds are being used to dictate the types of vocational programs being delivered to students despite the lack of federal insight into local vocational education needs. (Whatever the merits of these arguments, it should be remembered that what is cast as a complaint in the context of this debate is also seen in other quarters as an absolute benefit of federal involvement.)

Concern regarding federal intervention in local educational decisions was expressed most recently in the provision contained in the Department of Education Organization Act prohibiting the Department of Education (ED) from exercising "any direction, supervision, or control over the curriculum, program of instruction, administration or personnel of any educational institution, school, or school system" (Section 103(b) of P.L. 96-88). Although provisions such as one have been commonly added to many education statutes in the past, the issue of federal control was a major topic of congressional debate prior to

creation of the separate Department of Education. The issue has been carried over into the current discussion regarding educational program consolidation, as seen above.

Effect of These Problems on the Consolidation Debate

The three sets of problems discussed above are generally applicable across all of the large federal assistance programs in elementary and secondary education. Together these problems have created considerable interest in finding new ways to meet federal objectives for the provision of certain types of educational services to certain categories of students.

Comparison of Key Provisions of the VEA with Provisions of Other Federal Education Programs

In order to understand some of the problems and opportunities posed by the prospect of an education consolidation package that included the VEA, it is useful to examine key provisions across several major federal programs assisting elementary and secondary education. As indicated at the beginning of this paper, the federal education programs selected for consideration are ESEA Titles I and VII and P.L. 94-142. Because of its similarity of purpose (even though it does not address elementary and secondary education directly), the Rehabilitation Act of 1973 has also been included here.

To structure this discussion, the major provisions of each law have been organized according within six categories. These categories are not intended to be exhaustive of all of the major provisions of these laws. Instead, they are intended to highlight two types of provisions across the five programs: first, those provisions that are

unique across the programs and that therefore best reflect the differences in the purposes and operations of each program, and, second, those provisions that are most important in maintaining the operations of the program and therefore would require immediate attention in any major re-focusing, in order simply to maintain the flow of federal funds to state and local agencies.

The categories used in this discussion are as follows:

1. Procedures for the allocation of federal funds;
2. Assignment of responsibilities for program administration;
3. Target group to be served;
4. Services to be provided with federal fund
5. Services to be provided with state and local funds; and
6. Safeguards ensuring compliance with program requirements and with nondiscrimination standards.

In the remainder of this section, the provisions of the VEA falling into each of the six categories are compared with similar provisions in each of the other four programs.

Procedures for the Allocation of Federal Funds

These provisions determine the national distribution of the bulk of all federal funds for elementary and secondary education. As an indicator of the relative fiscal size of the five programs under review, it is useful to note that the FY 1980 appropriation for these programs was $6.233 billion, out of a total FY 1980 ED budget of $13.758 billion. Of the total budget for the Department, $5.181 billion was devoted to postsecondary student financial assistance. Thus, the five programs discussed here accounted for 73 percent of the

ED FY 1980 budget that was not used for student financial aid at the postsecondary level.

Funds under the four largest programs of the five are allocated primarily on a formula basis, with different measures used in each allocation formula.[6/] No data are available at present to indicate the comparative effectiveness of each of the formulae in achieving various allocation goals, such as compensation for areas characterized by high levels of poverty or unemployment or by low tax bases. For purposes of considering the effects of program consolidation, those comparisons would be valuable but no more so than a comparison of the stated purposes and mechanisms for funds allocation under each program.

VEA. Allocation of VEA funds to states is determined by a formula specified in the statute. Allocations within a state are, however, determined by each state on the basis of procedures described in the state's VEA plan, which is subject to ED review and approval.

The amount of the total VEA grant to each state is determined primarily on the basis of population, with certain provisions for state increases linked to low per capita income (Section 103 of VEA).

6/ Funds under ESEA Title VII are allocated on a discretionary basis, although even in that program the ED Secretary is directed to "allocate funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the nation" (Section 721(b)(4) of that act). The Secretary is also directed to achieve "an equitable distribution of funds" within each state in which a grant is awarded. The "equitable distribution" is to be determined on the basis of the geographic distribution of limited English proficient students in need of bilingual education (Section 721(b)(3)(A) of the act).

The population count used in the formula is weighted by age, in order to "over-count" persons in the age ranges believed most likely to participate in vocational education. A precondition for the receipt of federal funds is the state demonstration that the federal funds will be matched on at least a one-to-one basis by state and local funds for vocational education programs. Provisions allocating VEA funds to states were essentially unchanged by the 1976 amendments to VEA. Changes were made that year, however, in the standards for the state allocation of funds to school systems and other within-state subgrantees (Section 106(a)(5) of the Act). In the words of the House report on the 1976 amendments, the purpose of these changes was to "focus federal funds on those school districts and other public agencies most in financial need of these funds" (page 34). A second purpose of the changes was to reward sub-state VEA applicants that sought to discontinue old, out-dated programs and to initiate new programs more closely linked to "emerging" employment opportunities.

Financial need under the new formulation is to be determined primarily on the basis of the economic characteristics of the areas in which sub-state applicants (often school systems) are located. The primary economic indicators to be used by the state are local unemployment rates, local financial ability of school systems (as measured by local tax base and tax effort), and the concentration of low-income persons within the school systems. (For sub-state applicants that are not school systems, similar indicators are to be used in place of the two indicators above that apply only to school systems.)

No data are currently available from ED to indicate whether the 1976 changes have been successful in shifting within-state funding patterns away from earlier per capita allocations. However, considerable attention has been given at federal and state levels to the implementation of the new requirements. According to NIE (1980), ED has reviewed state plans for within-state allocation extensively and has required revisions in state allocation procedures in a number of cases (p. III-25). It is not known, however, what effect the requested changes have had on the state procedures.

In addition to the requirements governing the within-state allocation of VEA basic grant funds, other requirements govern the expenditure of VEA set-aside funds for disadvantaged, handicapped, and postsecondary students. These rules were contained in the 1976 amendments and clarified in 1978 with the issuance of regulations limiting the use of VEA disadvantaged, handicapped, and postsecondary set-aside funds to the "excess costs" of vocational education services delivered to these groups, as compared to comparable services delivered to other students. These requirements have generated considerable controversy, especially with regard to the appropriateness of the matching mechanisms being used and the extent to which the set-aside requirements act as an incentive to increased state and local effort on behalf of disadvantaged, handicapped, and postsecondary groups.

ESEA Title I. The allocation formula used for Title I basic grants to school systems is based on numbers of children from low-income families, weighted by a factor intended to reflect the relative cost of education of the state in which the school system is located. Under Title I, ED is responsible for allocations to the county level.

The state educational agency is in turn responsible for the sub-county allocation of funds to school systems, a process which is to be accomplished using data that indicate the relative distribution of children from low-income families across each county.

Because of the formula allocation to the county level, ED retains greater control over the distribution of federal funds under Title I than is the case under the VEA. This large role for ED reflects a smaller state role in Title I, as compared to the state responsibilities under the VEA. These differences become particularly important in the context of the much larger dollar size of the Title I basic grant program ($2.630 billion in FY 1980) compared to the VEA basic grant program ($562 million in FY 1980).

No recent analyses have been performed to estimate the effectiveness of the Title I formula in targeting funds to school systems with high concentrations of low-income students. Undoubtedly, current effectiveness is considerably lowered by the fact that 1970 census data are still being used to indicate the distribution of children in poverty. Despite the outdated baseline numbers, analyses conducted in 1977 in preparation for Title I reauthorization indicated that more Title I funds were being awarded at that time to the nation's poorest states than would be the case if all states received Title I funds on an equal per-pupil basis.[7/]

P.L. 94-142. Funds under the basic grant program are allocated to states according to each state's report to ED on the number of

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7/ This anlaysis was conducted by HEW staff offices as part of a series of studies of the Title I formula.

handicapped children receiving special educational services within the state. Unlike the VEA and ESEA Title I, no weighting is attached to the counts of handicapped children to alter the state funding allocation according to state-wide economic criteria (such as the per capita income level of the state, used in VEA, and the cost of education in the state, used in Title I). To qualify for the receipt of funds, a state must have an approved state application on file with ED.

Upon receipt by a state educational agency, funds are allocated to school systems according to their counts of handicapped children receiving educational services. To qualify for funding, a school system must have submitted an application to the state educational agency indicating its plans for the expenditure of P.L. 94-142 funds and its compliance with pertinent requirements. Federal funds under this program may only be used for the "excess costs" of educational and other services "directly attributable to the education of handicapped children" (Section 614(a)(2)(B)(i) of the act).

It is not possible to assess the full extent to which this allocation procedure is meeting its objectives because of the difficulty of assessing the prevalence of the various handicapping conditions identified under P.L. 94-142. According to ED data, however, current service rates for most handicap categories are fairly consistent with the Department's best independent judgments of prevalence rates for each particular type of handicapping condition (State Program Implementation Branch of the ED Office of Special Education, p. 21). It also appears that another objective of the allocation procedure is being met, namely that states are reporting that they are

providing special services to increasing numbers of handicapped children.[8/]

Rehabilitation Act. Under Section 110(a) of this act, state allotments are determined by a formula that considers each state's total population and the square of its "allotment percentage." The latter factor is based on the per capita income of the state, with a state that has a comparatively low per capita income receiving a comparatively higher per capita allotment. The actual payment to the state is to be based on the "federal share" of the cost of vocational rehabilitation services, as projected in the state's annual plan for vocational rehabilitation services. The "federal share" is pegged at 80 percent in Section 7(5) of the statute and is ratably reduced as necessitated by appropriations.

No specific direction is given in the statute regarding the distribution of funds within the state. The only limitation is the requirement that the state plan "shall be in effect in all political subdivisions," unless this provision is waived by the ED Secretary (Section 101(a)(4)). Although no guidance is presented on this matter by the legislative history, the provision appears to suggest that vocational rehabilitation services should be offered throughout the state, rather than in a few centers only.

8/ ED has reported that approximately 117,000 more handicapped children were served during the 1979-80 school year than during the 1978-79 school year. This figure represents an increase of about 3 percent over the 1978-79 base. (Derived from data presented on pp.162 and 163, State Program Implementation Branch of the ED Office of Special Education.)

Comparison of procedures for the allocation of federal funds. As indicated in the preceding discussion, wide variation exists in the design of allocation procedures for each of the five programs. These differences can be seen in the allocation of funds from ED to the states and in the distribution of federal funds from the states to local agencies.

Except for ESEA Title VII, each of the programs under review allocates federal funds to states on the basis of a population count of some sort. VEA and Rehabilitation Act funds are allocated on the basis of each state's general population (weighted by age, in the case of the VEA), with a factor included to provide more federal funds to states with lower levels of per capita income. ESEA Title I and P.L. 94-142 allocate funds on the basis of counts of students having particular characteristics (i.e., low-income or handicapped, respectively).

In the distribution of federal funds to local agencies, the same pattern of similarities among programs is reflected. VEA and Rehabilitation Act funds are allocated from the state level according to the procedures set forth in the approved state plan, with the VEA providing more guidance for within-state allocation than the Rehabilitation Act. Relatively little discretion in state-determined distribution is permitted by Title I and P.L. 94-142, in which the same general distribution criteria are used at the state level as at the federal level.

Assigments of Responsibilities for Program Administration

Each of the five programs divides administrative duties among federal, state, and local levels. The amount of responsibility im-

posed at each level varies among the programs, however. Among several of the programs, the relative distribution of responsibility has even varied over the life of the program, depending on the specific requirements for each governmental level that have been set forth at various stages in the legislative evolution of each program.

VEA. The 1976 VEA amendments enlarged the role played by the state vocational education board empowered to administer (or supervise the administration of) vocational education. This change was achieved by the consolidation of previously earmarked authorities into a new state basic grant that contained far fewer mandated activities and funding specifications than had previously existed. In place of that structure, increased reliance was placed on each state's plan for vocational education, to be submitted to ED once every five years. In developing the plan, each state was directed to base its proposed activities on careful assessments of current and projected manpower needs within the state.

In comparison with other federal education programs, VEA places relatively little emphasis on local responsibilities for program implementation. Although local planning and advisory procedures are present in the law, they are minimal in comparison to the responsibilities imposed at the state level by the VEA.

ESEA Title I. The 1978 amendments to Title I strengthened the state administrative responsibilities of this law, although major responsibilities continued to be imposed at the local level. The specific state duties that were increased in 1978 were primarily in

the areas of program monitoring, auditing, and compliance enforcement. The amendments left unchanged the relatively small role of the states in determining local allocations under Title I. Similarly, no new requirements were imposed regarding state responsibilities for the provision of state or locally funded educational services.

Each state's exercise of its Title I administrative responsibilities is to be described in a state monitoring and enforcement plan submitted to ED once every three years. The plan, which was first required in the 1978 amendments, is intended to describe the state's schedules and procedures for the monitoring and auditing of local projects and the resolution of complaints. The law requires also that the plan include information on the state's procedures for determining compliance with Title I requirements related to private school children.

Under Title I, local educational agencies continue to have major responsibility in three areas: (a) the effective design and delivery of program services to participating students, (b) the selection of participating schools and students, and (c) the submission of required reports on local program operation and effectiveness.

P.L. 94-142. Administrative responsibilities under this program are considerably different from those in other programs. One governmental unit -- the state educational agency -- holds not only the responsibility for administering federal handicapped funds but also the duty of assuring adequate services to handicapped children with whatever federal, state, and local funds are available. As expressed by the Senate committee reporting on the bill that

later become P.L. 94-142, the state educational agency is the entity holding "final responsibility... for assuring that all handicapped children within the state receive a free appropriate public education" (Committee on Labor and Public Welfare, 1975, p. 4). Although earlier versions of the federal handicapped law had paved the way for this requirement, P.L. 94-142 nevertheless established a major new level of federally imposed responsibility on the states. In no other federal law have state educational responsibilities over the use of non-federal resources been conceived quite so broadly as in P.L. 94-142.

As in the VEA and ESEA Title I, state procedures for implementing federally imposed responsibilities are to be set forth in a state plan. No time periods are specified in the statute for the submission of each state's plan; by regulation, states have been required only to submit an initial plan and periodic updates as necessary to describe pertinent changes. The state plan under P.L. 94-142 is to contain detailed descriptions of the policies and procedures that will be used, first, to assure compliance with the requirements of the law and, second, to encourage the development of high quality programs of instruction for handicapped students (Section 613).

ESEA Title VII. Under this program, states are authorized to play only a limited role in administration. As specified in Section 721(b)(3)(D), states may consult with ED on the selection of local grantees but not approve or disapprove ED's choices. States are also authorized to coordinate technical assistance provided to bilingual education programs within the state. Funds for local projects are not administered by the state, and no state role in monitoring, auditing, or planning is authorized under the Title VII statute.

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Local plans for the Title VII project are set forth in the local school system's application for Title VII funds. The application may cover a period of from one to five years (although funds are rarely awarded for more than a three-year period). The purpose of assistance under the law is to build local capacity to deliver bilingual education services with state and local funds. Therefore, local districts are expected to apply only once for federal funds to implement a specific project. If new needs later arise that are related to the purposes of Title VII (e.g., through the arrival of a large group of refugee children), a school system may request a new, multi-year grant.

Rehabilitation Act. States exercise almost exclusive administrative authority under this program, as demonstrated in its statement of purpose (Section 100(a) of the act):

> The purpose of this title is to authorize grants to assist states to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

Unlike the other program authorities discussed above, states are seen as directly responsible for the provision of services to targeted individuals and are not merely the administrative conduits to local service providers, as envisioned under several of the other authorities.

This level of responsibility is reflected in the requirements for the contents of the state plan to be submitted annually to ED. The plan is to contain specific descriptions of the individuals to be assisted and the services they will receive. Where necessary,

priorities are to be indicated in the selection of individuals and the provision of services. No specific directions are given regarding the state monitoring of federally-assisted activities, although a major state oversight role is implied by the requirements imposed on the states for service delivery standards and priorities. The statute contains no explicit discussion of the administrative requirements imposed on local service providers.

Considerable attention is given in the statute to the designation of the state agency (or agencies) to be responsible for the development and implementation of the state's plan. The agency designated must be either the state education agency, the state vocational education agency, or a state agency primarily concerned with vocational rehabilitation.

Comparison of provisions assigning responsibilities for program administration. The five programs under consideration reflect a range of administrative configurations. At one end of the range, ESEA Title VII envisions only a minimal state role in program administration, with primary responsibility exercised at the local level. The Rehabilitation Act, by contrast, places virtually exclusive responsibility at the state level. The remaining three programs all provide significant state roles in program administration, but with ESEA Title I requiring a relatively smaller state role and the VEA requiring a relatively larger state role. P.L. 94-142 probably fits into the middle of this range, although the state role under that program as civil rights guarantor is unique among the five programs. With the exception of ESEA Title VII, each of the five programs requires a state

Target Group To Be Served

Each of the five federal programs specifies the general target group to be served by federal assistance. Moreover, each program also specifies the types of students to receive priority attention within each target group.

VEA. This act specifies a broad range of persons intended to benefit from VEA assistance, as indicated in Section 101:

> ...persons of all ages in all communities of the state, those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market, but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary school...

As indicated earlier, other provisions reserve funds under the basic grants portion of the act for disadvantaged students (defined as persons with economic or academic handicaps who require special vocational services and persons with limited English speaking ability), handicapped students, and students enrolled in postsecondary vocational programs. Together these set-asides impose targeting requirements on 45 percent of each state's allotment for basic grants and program improvement.

Aside from the general description of intended service recipients quoted above, the statute does not explicitly place limits on the students who may be served by the 55 percent of each state's allotment. that is not committed to one of the set-asides. There is, for example, no requirement that students with the greatest needs for vocational education services be served before other students. The emphasis

may actually even discourage any local priority on the delivery of services to students, such as the disadvantaged and handicapped, who may be harder to place in jobs after completion of their vocational training.

Outside the VEA basic grants program, other VEA provisions target other vocational services on disadvantaged students and students with limited English speaking ability, displaced homemakers, and others. Throughout the statute emphasis is placed on efforts to improve the delivery of vocational services to women.

ESEA Title I. Detailed directions are provided to local Title I administrators regarding the students to be served under this program. These directions are particularly important due to the seemingly dual focus of the program on low-income and low-achieving students. As explained in the statute, the counts of low-income students are to be used for allocating federal funds down to the school system level and then for identifying individual schools in which Title I services used for allocating federal funds to the level of the school system and then for identifying specific schools in which Title I services will be offered. At the school level, however, the only criterion for receipt of services is the educational need of individual students, as indicated by low academic achievement.

The statute requires that services be provided to students "having the greatest need for special assistance" (Section 123(a) of the act). In order to accommodate certain other objectives (e.g., continuity of services from one year to the next, avoidance of duplication with other compensatory education services, etc.), provisions have been added to Title I permitting school systems to deviate from

the "greatest need" criterion in certain circumstances. By and large, however, that criterion establishes the fundamental targeting principle under the act.

P.L. 94-142. This statute defines its target group as students having one or more of the handicapping conditions listed in Section 602(1) of P.L. 94-142. Among these conditions, the one that has proved the most difficult to define with precision has been the newest category, "children with specific learning disabilities." One concern in defining this type of handicap is that certain students may be inaccurately identified as having a specific learning disability.[9/] Unfortunately, school systems may be likely to identify children as having this handicap because (a) the allocation formula under P.L. 94-142 rewards the identification of additional handicapped children and (b) it is sometimes difficult to distinguish learning disabled children from normal children who are low-achievers.

Like ESEA Title I, P.L. 94-142 places priority on the provision of services to certain handicapped children having, in effect, the greatest needs. Local school systems that are in the process of complying with the federal requirements are to provide appropriate education services, first, "to handicapped children who are not receiving an education" and, second, to children within each category of disability "with the most severe handicaps who are receiving an

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9/ Evidence suggesting that this may be the case can be seen in the fact that current service rates for this handicap are at the upper limit of recent estimates of the total population of learning disabled children (State Program Implementation Branch of the ED Office of Special Education, p. 21).

inadequate education" (Section 614(a)(1)(C)(ii) of the act). Presumably, however, once a school system is serving all its handicapped students, these priorities are no longer applicable.

ESEA Title VII. The 1978 amendments to this act expanded somewhat the target group to be served with federal assistance. This change was accomplished by redefining the target group from students with "limited English speaking ability" to students with "limited English proficiency." The new definition includes the students served under the old definition and adds students with limited English proficiencies in "reading, writing, and understanding" (Section 703(a)(1) of the act).

In a pattern seen in ESEA Title I and P.L. 94-142, the 1978 amendments to Title VII added new requirements that the children selected to be served in a district having a Title VII grant be "those children most in need of assistance under this title" (Section 721(b)(3)(F)(i) of the act). Unlike grantees under the other two programs, however, Title VII grantees are urged to move participating students out of the bilingual education program as soon as they have attained adequate proficiency in English. In order to assist the transition of former bilingual participants into regular classrooms, Title VII grantees are required to provide "necessary follow-up services to sustain the achievement" of former Title VII participants.

This emphasis on need for bilingual services represented a substantial shift from the original provisions of the law (as enacted in 1968) that focused services on limited English speaking children in

schools with high concentrations of low-income families (Section 704 (c) of P.L. 90-247). The low-income provision of the early law paralleled comparable provisions in ESEA Title I. In 1974, the low-income provisions were withdrawn from the program requirements and substantially de-emphasized by being made into one of several criteria for the selection of grantees (Section 701(b)(2)(A)(iv) of P.L. 93-380).

Rehabilitation Act. Programs supported under this act are intended to provide certain services to handicapped individuals. A "handicapped individual" is defined as any person who has a "physical or mental" disability which "results in a substantial handicap to employment" and who "can reasonably be expected to benefit in terms of employability from vocational rehabilitation services" (Section 7(b) of the act). This definition is considerably narrower than that used in P.L. 94-142, which explicitly includes the "emotionally disturbed" and which does not exclude any handicapped persons on the basis of potential employability or other criteria. On the other hand, P.L. 94-142 limits the age range for services to ages three through 21, while the Rehabilitation Act places no restriction on the ages of participants.

In a manner seemingly at odds with the "employability" limits cited above, the Rehabilitation Act places explicit priority on "serving first those with the most severe handicaps" (Section 2(1) of the act). This objective is to be reflected in each state's plan, which is to indicate the order to be used in selecting individuals to be served. As stated in Section 101(a)(5)(A), the order is to

"be determined on the basis of serving first those individuals with the most severe handicaps." This emphasis is cited in the Senate bill report as a primary need highlighted in Committee hearings prior to Committee approval of the bill (Committee on Labor and Public Welfare, 1973, p. 2078).

Comparison of provisions indicating the target group to be served. The VEA differs from the other four programs reviewed in its lack of a relatively narrow target group on whom all basic grant services are to be focused. The four other programs limit services to a defined group of persons and additionally stipulate that priority in the provision of services should be given to those persons in the target group with the greatest needs. Operationally, this difference means that the VEA services are likely to be used by a broader range of persons than services under the other programs.

On the other hand the VEA basic grant set-asides encompass each of the groups served by the other four programs: the academically and economically disadvantaged, the limited English speaking, and the handicapped. This inter-relationship of targeted groups undoubtedly creates overlaps in services and may well suggest avenues for greater coordination of efforts.

Services To Be Provided With Federal Funds

A key aspect of the legislative purpose of each of these programs is the specification of particular services to be provided with federal funds. The programs vary, however, in the detail with which these services are specified in the authorizing laws, with some programs defining narrowly the services to be provided and others indicating only broad objectives for the provision of services.

VEA. The VEA does not describe the vocational services to be offered to students, but it does specify the process to be used by states in determining the services to be offered. The main objective of the state process is to identify "the current and future needs for job skills within the state" (Section 107(b)(1) of the act) through (a) consultation with the representatives of pertinent groups, (b) public hearings, and (c) analysis of relevant data. The steps taken to implement this process are to be part of each state's development of its plan for vocational education. In response to the needs identified in the planning process, the state plan is to indicate the state's vocational goals, including a description of "the courses and other training opportunities to be offered to achieve those skills" and "the reasons for choosing these courses and training opportunities" (Section 107(b)(2) of the act). Thus, although wide latitude is given in the actual design of services, each state is to provide ED with extensive documentation of the process used to arrive at the specific choices of vocational services.

ESEA Title I. This program provides much less specificity in the types of services to be provided to participating students. As stated in Section 124(a), Title I funds are to be used for "programs and projects which are designed to meet the special educational needs" of participating students. These activities are to be determined on the basis of a needs assessment, which identifies (a) the specific children with the greatest need for special assistance, (b) the general instructional areas to be addressed in the local project, and (c) the specific educational needs of participating children. Descriptions of the projects to be conducted are required to be included

in the school system's grant application to the state. The state in turn is responsible only for determining that the information presented by local applicants is consistent with Title I requirements.

By common practice, most Title I projects use federal funds to provide compensatory instruction designed to improve students' skills in reading, math, and language arts. That focus is not necessarily required by current law, however.

P.L. 94-142. As in the VEA and ESEA Title I, relatively broad limits are placed on the types of services that may be provided under this act. As stated in the program's purpose (in Section 3(c) of the act), handicapped students are to be provided services that are part of "a free appropriate public education which emphasizes special education and related services designed to meet their unique needs." The primary limits on the types of services are imposed by the requirement that services meet students' "unique needs." To this end, extensive requirements are imposed for the development of IEPs for all handicapped students.

Requirements are also imposed on the setting in which services are offered. In particular, educational services for handicapped children are to be provided in the least restrictive environment that is practicable. The purpose of this requirement is to assure that handicapped children are educated with children who are not handicapped, except in circumstances "when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily" (Section 612(5)(B) of the act).

ESEA Title VII. This program specifies the types of services to be provided to students. Participating students must be provided a program of bilingual education, which is defined in Section 703(a)(4)(A)(i) in the following terms:

> Instruction given in, and study of, English and, to the extent necessary to allow a child to achieve competence in the English language, the native language of the children of limited English proficiency, and such instruction is given with appreciation for the cultural heritage of such children, and of other children in American society, and, with respect to elementary and secondary school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system.

This definition, along with a number of other amendments to Title VII in 1978, resolved earlier controversies over the "maintenance" versus "transitional" objectives of bilingual education. These two approaches were different in their view of whether a child's proficiency in his or her native language was to be considered an end in itself (i.e., "maintenance" of proficiency in the native language, requiring bilingual education over a number of years) or a means towards the goal of English proficiency (i.e., "transitional" use of the native language while English proficiency was being acquired, usually in a shorter span of time). Although the controversy over these differing approaches threatened at one point to mar the future of the program, the controversies were largely resolved in 1978 with explicit legislative support for the "transitional" purposes of bilingual education.

Rehabilitation Act. Funds under this act must be used to provide goods and services to handicapped individuals in order to assist those persons in becoming employable (Section 103(a) of the act).

A number of allowable goods and services are outlined as allowable expenditures in the statute, including diagnostic examinations, vocational training, living expenses while rehabilitation is underway, counseling, and various rehabilitation devices.

In order to tailor services to individual needs, the act requires that an "individualized written rehabilitation program" be prepared for each person receiving services under the act. The requirements in the act for the contents of this plan and procedures for developing it (as stated in Section 102) are very similar to the requirements for the IEPs to be developed for handicapped students under P.L. 94-142.

Comparison of provisions specifying the serv s to be provided with federal funds. All five of the programs identify the purposes to be achieved by services provided with federal funds. The programs differ, however, in the specificity with which they describe (a) the types of permissible services and (b) the process to be used in determining specific services.

The program which specifies allowable services most narrowly is ESEA Title VII with its precise definition of an allowable bilingual education aprogram, while the program specifying services most broadly is ESEA Title I. The program specifying the design process most narrowly is P.L. 94-142, with the Rehabilitation Act programs following a similar approach. In comparison to these programs, the VEA permits considerable discretion in the determination of specific services, so long as that determination is based on the careful assessment of employment needs.

Services To Be Provided With State and Local Funds

Each of the five programs places certain limits on the expenditure of state and local funds. As discussed in the first section, the extent of federal direction in the use of state and local funds has been a major concern of many educators and politicians, particularly in connection with excessive federal intervention in education.

VEA. The state plan under this program is required to describe "allocations of all local, state, and federal financial resources available in the state among [vocational education] courses and training opportunities, levels of education, and institutions within the state" (Section 107(b)(2)(A)(iv) of the act). "Planned uses of federal, state, and local vocational education funds for each fiscal year of the state plan" are to be described, along with "the reasons for choosing these particular uses" (Section 107(b)(2)(B) of the act). These requirements stem from a key assumption underlying the VEA state plan requirements, which is that the state plan will guide all of the vocational education activities undertaken in the state, no matter what their source of financial support. The plan will also then be suitable (at least in theory) for use as a monitoring guide, to determine if planned activities are in fact undertaken and completed in accordance with projections contained in the plan.

In addition to the state plan, the other set of VEA mechanisms intended to affect the expenditure of state and local funds is the basic grant matching requirements. By requiring that federal funds be matched under VEA, the federal government is in effect mandating

that certain state and local funds be spent in accordance with federal principles. Because of the large over-match of federal dollars in the basic VEA program, those matching requirements have no practical effect on state and local practices. The matching requirements for the set-aside activities are, however, important attempts to direct increased amounts of state and local resources to the needs of disadvantaged, handicapped, and postsecondary vocational students.

The VEA prohibits the use of federal vocational funds as a replacement for state and local spending and thereby has a clear but indirect effect on the use of state and local funds by VEA recipients. The specific VEA requirements in this regard are as follows:

- Section 106(a)(6) requires that each state's general application to ED assure that VEA funds "are so used as to supplement, and to the extent practicable, increase the amount of state and local funds that would in the absence of such federal funds be made available for the uses specified in the act, and in no case supplant such state or local funds."
- Section 110(b) and (c) require that local educational agencies, states, and postsecondary institutions maintain fiscal effort in the provision of vocational education from one year to the next.

Monitoring of the first requirement is the responsibility of the state, while monitoring of the second requirement is ED's responsibility.

ESEA Title I. This program imposes requirements on state and local funding through various requirements prohibiting the use of Title I funds as a replacement for state and local spending. The

three main requirements in this regard are as follows:

- Section 126(a) requires that local educational agencies receiving Title I funds maintain fiscal effort from one year to the next.
- Section 126(c) requires that local educational agencies use Title I funds "only so as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such federal funds, be made available, from regular non-federal sources...for the education of pupils participating in [Title I] programs...and in no case may such funds be so used as to supplant such funds from such non-federal sources."
- Section 125(e) requires a local educational agency to use state and local funds "to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas...which are not receiving funds under this title."

Compliance with the latter two requirements has often proved difficult, in part because of the similarity of services provided by Title I funds and by state and local funds, especially when Title I is being used to provide basic skills remediation.

In addition to these requirements, the incentive grant portion of Title I (Section 116) is intended to encourage increased state and local funding of services to "meet the special education needs of educationally deprived children." Because of the relatively low level of funding of this provision ($15 million in FY 1980), it has probably had relatively little effect on state support of special Title I-type services.

P.L. 94-142. This program imposes the most stringent requirements on state and local services of any of the five. It requires the provision of a free appropriate public education to all handicapped persons aged three through 21. Although funds are available under P.L. 94-142 to pay part of the costs of the services, the federal funds are not sufficient to pay all of the "excess costs" of the special services for any except, perhaps, the mildest handicapping conditions. Moreover, the procedural requirements pertaining to the IEP and other matters significantly enlarge total state and local responsibilities for handicapped students.

P.L. 94-142 also contains requirements regarding non-replacement of state and local funds. These rules are considerably less important to the context of this program than in ESEA Title I, however, given the large gap between state and local responsibility for the provision of services and the availability of funds to pay for services. The non-replacement requirements are as follows:

- Section 613(a)(9) requires, in part, that the state plan assure that federal funds under P.L. 94-142 be used "to supplement and increase the level of state and local funds expended for the education of handicapped children and in no case supplant such state and local funds." This requirement may be waived if the state provides evidence that all handicapped children are being provided a free appropriate public education. Local school systems are also required to assure that federal funds are used to supplement state and local spending for the handicapped.

- Section 614(a)(2)(C) requires that local school systems assure that state and local funds be used "to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas..." not receiving funds under P.L. 94-142.
- Section 614(f) requires that local school systems not use funds received under P.L. 94-142 "to reduce the level of expenditures...from state or local funds below the level of such expenditures" for the preceding fiscal year.

ESEA Title VII. This program imposes only minimal requirements on grantees, in terms of the provision of services with state and local funds. As in the instances described above, local school systems are required in Section 721(b)(3)(G) to demonstrate that federal funds will not be used to supplant state and local spending for special programs serving children with limited proficiency in English. This requirement is waived, however, for activities carried out as a result of a court order or plan approved by ED under Title VI of the 1964 Civil Rights Act.

Despite the minimal requirements for state and locally funded services under ESEA Title VII, important requirements for services to students with limited English proficiency are imposed on local school systems by Title VI of the Civil Rights Act. These requirements were specifically established through the 1974 Supreme Court decision in Lau v. Nichols, which stated, in effect, that the Title VI nondiscrimination requirements pertaining to national origin minorities extended to education and, in particular, to educational

services for students with limited English proficiency who are members of national origin minority groups. The Supreme Court decision did not mandate any particular type of educational service for LEP students, but it did require that the public schools provide limited English proficient students with a "meaningful opportunity to participate in the educational program."[10/] Although these requirements apply to the same students who are sometimes served by ESEA Title VII, there is no explicit statutory link between the civil rights requirements of the Title VI Civil Rights Act and ESEA Title VII.

Rehabilitation Act. This act contains requirements for state and local services that are similar to both the VE and P.L. 94-142. For example, the state plan for vocational rehabilitation services, like the VEA state plan, is intended to set out the goals and methods to be used in carrying out all vocational rehabilitation activities state-wide, regardless of the source of funding for the activity. The federal share of the expenses for these activities is not to exceed 80 percent, with the specific provisions in the plan for the description of the "financial participation by the state, or if the state so elects, by the state and local agencies to meet the amount of the non-federal share" (Section 101(a)(3) of the act).

As noted earlier, the Rehabilitation Act requires development of an "individualized written rehabilitation program" for each handicapped person eligible for vocational rehabilitation services. Although not explicitly stated in the act, this requirement for individualized

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10/ 414 U.S. at 568 (1974).

programs for all eligible recipients implies a state responsibility to provide services, whether adequate federal aid is available or not. This implication is reinforced by the statement in Section 112 (b)(5):

> Reasonable assurance shall be given by the appropriate state agency that all clients or client applicants within the project shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

The Rehabilitation Act contains none of the non-replacement requirements cited in the other four programs. It does, however, require that expenditures from non-federal sources not fall below comparable expenditures during FY 1972 under the Vocational Rehabilitation Act, which was the statutory authorization preceding the Rehabilitation Act.

Comparison of provisions specifying the services to be provided with state and local funds. In the VEA, P.L. 94-142, and the Rehabilitation Act, states are required to specify the total plan for services state-wide, consistent with needs identified in the state. Under P.L. 94-142, states are explicitly required to provide services under the plan to all handicapped students in the state. In the VEA, there are no explicit requirements for the provision of state and locally-funded services. The comparable requirements in the Rehabilitation Act fall somewhere between the extremes of the other two programs.

All of the programs except the Rehabilitation Act contain non-replacement provisions which have the effect of requiring minimal levels of state and locally-funded services, regardless of the level

of federal funding. These requirements have played a much larger role in the administration of ESEA Title I than in any of the other programs.

Safeguards Ensuring Compliance with Program Requirements and with Nondiscrimination Standards

The effect of program requirements often varies according to the extent to which the requirements are accompanied by specific safeguards or due process standards that can be used by individuals and groups outside the educational establishment to promote proper enforcement of program requirements. Similarly, the ability of program beneficiaries to ensure that existing legal protections against discrimination are enforced often depends on the availability of program-specific requirements for nondiscrimination. The five programs vary in the types of safeguards that they employ and in the importance attached to the use of the safeguards.

VEA. The primary safeguards for overall program compliance are embodied in the numerous advisory opportunities in the basic grants program. Most notably, the VEA state plan is to be developed with the participation of representatives of at least nine state and local groups. In addition state and local advisory councils are required to be established to advise on the operations of VEA programs; these councils are to include representatives of business, industry, and labor and are to represent the views of their component groups in decisions affecting vocational educaton programs.

Two key mechanisms of the VEA are intended to ensure that federal funds are not used to support vocational education activities

that are discriminatory in their effects. The first mechanism is the requirement that the state vocational education board employ full-time personnel to improve vocational education opportunities for women and to reduce the incidence of sex discrimination in the provision of vocational education services. The second mechanism is the vocational education civil rights guidelines, issued on March 21, 1979 as a result of injunctive orders entered by a federal district court in Adams v. Califano (44 Fed. Reg. 17162-17175). The guidelines explain the civil rights responsibilities of those federal aid recipients responsibile for the administrative oversight of vocational education. Each state is required by the guidelines to adopt a compliance program to prevent, identify, and remedy discrimination by their subrecipients. ED oversees state activities under the guidelines through (a) approval of each state's "methods of administration, (b) compliance reviews, (c) monitoring, (d) complaint investigation, (e) analysis of enrollment and related data, and (f) proceedings to terminate or withhold funding.

ESEA Title I. Two types of safeguards for ensuring program compliance are present in Title I. The first, public oversight of local programs, operates through the parent advisory councils mandated to be established by each local school system receiving Title I funds and by each individual school participating in the program. Parent advisory councils are to be given responsibility for advising the school system in its "planning for and implementation and evaluation of" all Title I activities (Section 125(b) of the act). There are no requirements for state-level advisory groups under Title I.

The second type of safeguard under Title I is the opportunity for complaints by individuals. The law permits complaints to be filed at the local, state, or national levels and requires agencies at each level to develop and implement written procedures for receiving and resolving complaints. State educational agencies and ED are also required to maintain procedures for handling appeals to complaints previously acted on at a lower level.

Title I contains no special requirements related to nondiscrimination.

P.L. 94-142. Not surprisingly, the strong orientation of this law towards services to all eligible individuals has resulted in the most substantial set of safeguards of any of the five programs.

The most important safeguards in P.L. 94-142 are those contained in the due process provisions that apply to decisions on the placement and services for individual students. These procedural safeguards are divided by the statute into three categories:

1. Safeguards (as described in Section 615(b) through (e) of the act) to permit extensive opportunities for parents or guardians of handicapped children to be fully informed as to actions taken with respect to their children, to complain regarding any actions or inactions, and to be afforded extensive recourse regarding any decision made by a state or local agency in response to a specific complaint.

2. Procedures (as described in Section 612(5)(B) of the act) to assure that handicapped children are educated with children who are not handicapped, "to the maximum extent appropriate."

3. Procedures (as described in Section 612(5)(C) of the act) to assure that materials used for testing and evaluation are not racially or culturally discriminatory and that materials are provided and administered in the child's native language.

Like the VEA, the state plan requirements of P.L. 94-142 mandate the establishment of a broad-based state advisory panel to (a) advise the state education agency on the unmet educational needs of handicapped children within the state, (b) comment on state rules and allocation procedures related to P.L. 94-142, and (c) assist the state in program evaluation and data collection (Section 613(a)(12) of the act).

ESEA Title VII. This act contains no procedural safeguards or nondiscrimination requirements, except for the opportunities for parent and public oversight of programs contained in Section 720(a)(4)(E) of the act.

Rehabilitation Act. This act contains no special requirements for nondiscrimination in the provision of vocational rehabilitation services. The only procedural safeguards in the act are presented in the context of the development and implementation of the individualized written rehabilitation programs. The pertinent safeguards attached to these programs, as described in Section 102, include (a) the required inclusion of the individual (or his/her parent or guardian) in any decisions affecting his/her program, (b) the required review of the program on an annual basis, and (c) protections to ensure that individuals are not erroneously judged to be unsuited for employment.

Comparisons of safeguards ensuring compliance with program requirements and with standards. The two programs serving handicapped persons contain protection designed primarily to ensure proper services

and due process for those individuals. The three other programs rely more heavily on public and parental oversight of overall program activities through advisory bodies; ESEA Title I contains an additional oversight mechanism in its complaint procedures (which are also included, although with less emphasis, in P.L. 94-142).

Only ESEA Title I and the Rehabilitation Act contain no nondiscrimination provisions. The nondiscrimination emphases in administration of the VEA and ESEA Title VII come from judicial decisions outside those two statutes, (i.e., the Adams order to develop civil rights guidelines for vocational education and the Lau interpretation of Title VI of the Civil Rights Act. Only P.L. 94-142 contains its own civil rights mandate (i.e., the right of each handicapped person aged three through 21 to a free appropriate public education).

Possible Approaches to the Consolidation of the VEA with Other Elementary and Secondary Programs

Although the VEA shares many administrative characteristics with the other four programs, the differences among the five are substantial. Contrasting the VEA with the other four programs as a group, the most significant difference is the fact that the VEA focuses primarily on the provision of a particular type of educational service (i.e., vocational education) while the other four focus mainly on the provision of services to particular types of individuals (i.e., persons who are disadvantaged, handicapped, or limited in English proficiency). Although there are exceptions to this generalization, by and large these contrasting objectives ac-

count for many of the differences between the VEA and the other four programs.[11/] Any effort to revise the five programs in order to simplify administration and increase program consistency must acknowledge these key differences.

A second set of differences among the VEA and the other four programs can be seen in the context of local program administration. In the VEA, most program requirements are applied at the state level, with considerable latitude given to local administration. By contrast, the major provisions of the other four programs operate mainly at the local level. This orientation is not surprising, given the collective focus of the latter four programs on services to individuals with particular types of characteristics and needs. In any effort to improve consistency across programs, this difference in state versus local administrative focus will inevitably affect the extent to which greater program similarity can be achieved.

Despite these important differences, it is nonetheless important to realize that a number of changes are possible in all five of the programs that would address the three problems discussed in the first part of this paper by (a) increasing the consistency of federal requirements across programs, (b) improving opportunities for local coordination in federally supported services, and (c) reducing the level of federal intrusiveness in state and local educational decision-making.

11/ A simple example of these differences can be seen in the fact that "needs assessment" under the VEA is concerned with "needs for job skills" (Section 107(b)(1) of the VEA), while "needs" under the other four programs pertain to the educational needs of target group individuals.

The task in any attempt at federal program improvement will be to achieve these three goals while retaining the major benefits that are inherent in the current categroical structure of federal aid to education.

This section of the paper discusses opportunities for program change in three contexts. First, what are the broad options for program change? Second, what objectives should be used in formulating a proposal for program change? Third, how should these objectives be applied to the major components of the five programs reviewed here?

Broad Options for Program Change

In the preceding discussion, two key differences were identified between the VEA and the other four programs. They were, first, the focus of the VEA on the provision of a certain type of educational service, as opposed to a focus in the other programs on certain targeted recipients of federal assistance. The second difference was the administrative focus of the VEA at the state level, as opposed to the local focus of the other four programs. Before considering changes that would tend to unify these programs in some sense, it is useful to consider the extent to which these differences are essential to the provision of categorical aid in these program areas, and, if so, what the implications of these differences are.

First, with respect to the VEA focus on services rather than recipients, it would seem that this focus is inherent, at least under the current goals of the program. That is, so long as the VEA is oriented primarily towards educational services that qualify program completers to fulfill current manpower needs, the program must

continue to focus on the match between vocational educational programs and job skills required in the marketplace. It is possible that the purpose of the VEA could be radically altered to target services exclusively on certain types of students, for example, disadvantaged and handicapped students.[12/] If so, the program would naturally become much more similar to the other four programs discussed here. Such a change in unlikely, however, given the history and politics of the VEA.

The second distinctive feature of the VEA -- its state focus of administrative responsibilities -- is closely related to its overall orientation to the delivery of certain types of services. That is, so long as vocational services are provided primarily to fulfill manpower needs, it is appropriate to assess those needs on a state-wide basis, in order to develop a more comprehensive employment picture than would be possible on a local basis only. (If the program were to be more oriented to the needs of specific types of persons, it would be necessary to revise this administrative structure to bring it more in line with, for example, ESEA Title I.)

The value of assessing manpower needs on a state-wide basis does not, however, mean that the entire administrative structure of the program should be required to maintain the current state focus. Indeed, the findings of the recent study by Beuke et al. suggest

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12/ The rationale for such a change would be that the states are currently supporting regular vocational services at an adequate level and that federal aid is needed only for those students who face the most serious problems in acquiring adequate training and employment.

that the states have not exercised the type of leadership, at least in vocational education planning, that is envisioned in the VEA (pp. 16-59). Therefore, although it is logical for major responsibilities for needs assessment to remain at the state level, there may be no compelling reason to prevent the delegation of other administrative responsibilities to the local level.

Considering these two key differences between the VEA and the other four programs, changes in the programs to address the three problems discussed earlier could take one of three broad approaches: (a) a block grant in which virtually all spending restrictions were removed, (b) a program consolidation in which the programs were combined but with the purpose of certain key provisions of each program retained in some fashion, and (c) a program simplification in which separate authorities were retained but major changes were made to address current major problems. Because a block grant would mean that current program purposes were replaced by general aid, the remainder of this paper will not discuss that option further.

Although program consolidation is different from program simplification (in that separate authorities are retained in the latter but not in the former), the two differences in the approaches are not necessarily distinct. In general, however, program consolidation implies greater uniformity across program areas, with a probable reduction in specific requirements pertaining to eligible participants, types of permissible services, and in other areas. In the case of either a consolidation or a series of simplifying amendments, it is useful to identify a set of objectives to guide the types of changes that can make the most useful overall improvements across programs.

Objectives in the Design of Program Change

Based on the general problems that have been identified in the operation of the major categorical programs and based also on similarities and differences in key provisions of the programs, it is possible to identify a limited number of objectives that should direct the design of modifications to the five programs discussed in this paper. These objectives are discussed briefly below.

First, target federal aid on students (or other persons) with the greatest educational needs. The targeting of services on specific recipients has been a key purpose of all of the major educational programs, although less so with the VEA than others. Because of its importance, targeting would have to be retained in some manner to permit any continuity with current categorical programs.

Second, encourage the use of federal aid to promote improvements in educational quality. In all of the programs considered here, educational quality objectives are partially addressed through requirements to match educational services with actual needs. Other mechanisms are used as well, including the requirement for a specific instructional approach (i.e., bilingual education) in ESEA Title VII. Although it seems clear that added dollars for local educational services can be used to spark educational improvements at the same time that the quantity of services is increased, what is less clear is the extent to which federal direction is needed to ensure that these improvements actually occur.

Third, build in program mechanisms that will protect the interests of groups and individuals intended to be served by federally assisted activities. These protections serve as a set of safety valves for administrative mistakes (and narrowness of vision) made by state and local agency personnel. At present, each federal program contains a different configuration of safeguards. It is not apparent that this diversity is in all cases essential to the purpose of the respective programs.

Fourth, reduce the complexity and number of requirements imposed on administrative agencies. Although taken singly the requirements for any one program may not be burdensome, the accumulation of requirements across all of the federal programs operating in a large or middle-sized school system may sometimes create a significant administrative burden. Ways must be found to determine which requirements impose the greatest costs in terms of burden, while yielding the smallest educational benefits to students. Those requirements must then be substantially modified or eliminated.

Fifth, encourage greater consistency and coordination across program areas. Greater consistency among requirements can encourage administrative simplification and improved coordination of services, especially for students eligible for services under more than one program. At the same time a balance must be achieved between the efforts toward uniformity and needs for fine-tuning to meet unique program objectives.

Sixth, reduce federal intrusiveness in educational decisions. This objective is important in large part because it is mandated by federal law. In addition, it is important because perceptions of unwarranted federal interventions are likely to detract attention and energy from the major purposes sought through federal law.

The first three of these objectives are not totally consistent with the second three. Federal focus on targeting, quality, and safeguards suggest a larger federal role, while reductions in complexity, inconsistency, and intrusiveness suggest a smaller role. Despite this tension among the objectives, each reflects a legitimate concern that must be addressed in the re-design of any of the major educational programs, as indicated in the discussion below.

Application of Objectives to Current Programs

The preceding six objectives can be used as the basis for the design of program change in each of the five programs considered in this paper. One of the values in using a set of specific objectives such as these is that it permits a more systematic examination of possible changes across programs. It does not, however, dictate easy answers to the question of how to address all of the objectives sucessfully in a single, comprehensive proposal for program change. Described below are some of the key alternatives for cross-cutting change that derive from an application of these objectives to the five programs. The discussion is organized on the basis of the major program components used earlier in this paper.

Procedures for the allocation of federal funds. The two objectives pertinent to this program component are the objectives concerned with targeting of services and increased consistency. Although it has not yet been attempted, it would seem possible to design a single federal aid formula that (a) included the requirements and criteria of the current separate formulae and (b) was properly weighted to replicate current variations among program funding levels. The benefit of such a formula would be mainly the fact that it could accumulate and set out all distributional principles in a single equation. This benefit might be outweighed, however, by the single disadvantage of its enormous complexity. In order to achieve any improvement in consistency across programs, it would be necessary for the consolidated formula to combine current criteria, thus reducing and simplifying the present allocation mechanisms for federal elementary and secondary education aid. Criteria that might be consolidated in this way include the economic criteria within the VEA and the Rehabilitation Act.

Additionally, any review of allocation mechanisms would need to consider the extent to which the current state-level discretion in VEA allocation procedures is an overall benefit in terms of the achievement of key VEA purposes. It is possible that this discretion simply permits states to allocate funds as they wish, with only minimal justification in terms of the statutory criteria. If so, consideration should be given to the effects of either (a) removing the state allocation criteria altogether with the establishment of certain funding floors and ceilings only or (b) imposing low-income criteria that are specific, uniform, and simple on all state-level basic grant allocations.

Assignment of responsibilities for program administration. Changes in this program component would need to address several of the six program design objectives. With respect to improvements in program quality, there are many pertinent considerations but no clear guideposts. If it can be shown that the state-wide needs assessment and program planning in the VEA actually improves the effectiveness of local vocational education services, as compared to heavier reliance on local assessment and planning, then the state procedures should be retained. Otherwise, they should be reviewed with an eye towards rechanneling the federal funds currently used for those purposes. A second quality consideration is the proliferation of state and local requirements (e.g., program evaluation and technical assistance) designed to improve the quality of services under a single program. It is possible that some of these requirements are more valuble than similar requirements of comparable cost and also that improved coordination across programs could be encouraged through the consolidation of, for example, local evaluation requirements in several of the federal programs. Any change of this sort would require decisions as to the locus of administrative leadership (i.e., federal, state, or local) for implementation of the new simplified (and, possibly, consolidated) requirement.

Objectives of reducing program complexity and encouraging consistency and coordination can be met through an organized effort to sort out, analyze, and unify the overall assignment of program responsibilities. For example, given the substantial state roles in the VEA, P.L. 94-142, and the Rehabilitation Act and given also the overlapping vocational and rehabilitative purposes of these three

programs, there would seem to be substantial increases in consistency and coordination that could be achieved through relatively small revisions in the respective planning and administrative oversight responsibilities. These changes might include provisions for greater information sharing and more closely linked administrative schedules in areas such as local application review and monitoring.

Target group to be served. The most pressing set of decisions in this area concerns the extent to which current targeting requirements should be relaxed or strengthened. In the VEA, greater consistency with other federal programs would seem to require increased targeting on groups with special needs, such as the disadvantaged and handicapped. On the other hand, efforts to reduce perceived levels of federal intrusiveness would seem to require (a) reductions in the requirements associated with the current disadvantaged and handicapped set-aside provisions of the VEA and (b) no addition of new targeting requirements. Because of the importance of decisions as to who receives services, the consideration of targeting changes in the VEA will have major implications on the shape of any comprehensive program consolidation or simplification.

Services to be provided with federal funds. Objectives of improving educational quality are particularly relevant to this program component. An examination of approaches for improving the quality of services in the VEA would have to begin with a consideration of the effectiveness of the current VEA needs assessment and planning requirements in improving program quality. As an alternative to the current system one would want to know whether or not the ESEA Title I

model of local needs assessment and program design seemed to be better suited to quality improvement in vocational education than is the current VEA system. If so, that model would probably also have the advantage of reducing overall administrative burden on vocational education administrators, since the ESEA Title I approach includes somewhat less reporting of planned and actual services.

Consistency and coordination in the provision of services can be achieved primarily through the techniques described previously: information sharing, coordination of scheduling, and coordinated monitoring.

Services to be provided with state and local funds. The primary mechanisms used to implement this program component are state and local plans, requirements prohibiting the replacement of state and local funds with federal funds, and the simple mandating of certain services. The most obvious place to improve consistency and coordination is in the non-replacement provisions, which vary from program to program in ways only loosely linked to variations in program purposes.

A second area in which coordination and consistency could be increased is in the parts of the state plans for VEA, P.L. 94-142, and the Rehabilitation Act that specify services to be provided with state and local funds. If these aspects of the plans cannot be shown to have a positive effect on the quality and distribution of services, serious thought should be given to reducing or removing them from the state plan requirements.

Safeguards ensuring compliance with program requirements and with nondiscrimination standards. The key safeguards in the five programs for ensuring compliance with program requirements are the public oversight provisions and due process requirements. In the case of public oversight, each of the advisory committee and complaint provisions should be examined to determine their effects on program improvement and administrative burden. Where possible, these provisions should be made more consistent across programs and they should be made simpler. This change would focus attention more directly on ways that program oversight can be used to improve program quality thus de-emphasizing the current implementation of program oversight provisions in order to avoid charges of noncompliance. Similarly, the due process requirements must be subjected to the same types of review in order to determine where their overall costs exceed their benefits, and vice versa.

Concluding Observations

The five federal assistance programs examined in this paper share many administrative and operational characteristics. Their similarities are not, however, identical features in most cases. A cursory review suggests that there may be a number of possible avenues for significant consolidation of requirements.

At the same time, it is essential to understand that these programs were enacted to fulfill different, if related, objectives. It is not clear that a wholesale consolidation across all elements of the programs is sensible, especially in the face of widespread agreement that the original objectives of the programs have not yet been met.

What is promising as a legislative and administrative strategy is the consideration of major categories of provisions to determine where current requirements could be simplified and made more consistent.

The task of revising current programmatic requirements demands the development and use of a set of explicit objectives. Several are proposed in this paper, and possibilities for their application have been suggested. Clearly, more work of this sort lies ahead if, in fact, this strategy is pursued. The framework for that analysis now exists, however, and the empirical examination and weighing of costs and benefits can be carried out once this alternative is selected for implementation.

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